

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

)  
DHLNH, LLC )  
)  
Plaintiff, )  
)  
v. ) C.A. NO.: 1:18-cv-00281-JJM-PAS  
)  
INTERNATIONAL BROTHERHOOD )  
OF TEAMSTERS, LOCAL 251; MATTHEW )  
MAINI; CARL ERNEST; JERRY FLOMO; )  
ARTHUR PORTER; JOE LEE; and A through XX, )  
being fictitious names of persons whose true names )  
are otherwise unknown to Plaintiff, but who are the )  
persons assembled at or near the facility out of )  
which Plaintiff operates in Pawtucket, Rhode )  
Island and whose names will be added by )  
amendment when ascertained )  
)  
Defendants. )  
)

**PLAINTIFF DHLNH, LLC'S EMERGENCY MOTION TO REMAND**

Pursuant to 28 U.S.C. § 1447(c), Plaintiff DHLNH, LLC moves this Court for an order remanding this case to the Rhode Island Superior Court for Providence/Bristol County and awarding DHLNH the fees and costs that it has incurred as a result of the Petition for Removal filed by Defendant International Brotherhood of Teamsters, Local 251 (the “Union”). In support of this Motion, DHLNH relies on the accompanying Memorandum and states as follows:

1. The Union, which is a citizen of Rhode Island, removed this case in violation of 28 U.S.C. § 1441(b)(2)'s “forum-defendant rule.”
2. Similarly, the Union has not demonstrated, and cannot demonstrate, that there is a reasonable probability that the amount in controversy meets or exceeds \$75,000 required by 28 U.S.C. § 1332 and § 1441(b).

3. Finally, the Union lacks an objectively reasonable basis for violating the forum-defendant rule or for contending that the amount-in-controversy requirement is satisfied in this case. The lack of any such bases and the timing of the Union's filing of its Petition show that the Petition was a ruse to delay a ruling on DHLNH's Motion for a Temporary Restraining Order Pursuant to R.I.G.L. § 28-10-2.

WHEREFORE, DHLNH requests that this Court enter an order remanding this case to the Superior Court for Providence/Bristol County and awarding DHLNH the fees and costs that it has incurred as a result of removal.

DHLNH, LLC

By its attorneys,

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Dated: May 29, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically through the ECF system on May 29, 2018, that it is available for viewing and downloading from the ECF system, and that it has been served by electronic means on the following counsel of record:

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